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Leggett bill to raise money may violate county law, Andrews says

At issue is whether executive adhered to single-subject rule

by Erin Cunningham | Staff Writer

Montgomery County Executive Isiah Leggett might have violated a county law passed last year that requires bills to cover only one subject, according to Councilman Philip M. Andrews.

Andrews (D-Dist. 3) of Gaithersburg said Tuesday that Leggett included five revenue-generating items under one bill he sent recently to the council.

Leggett's bill included a controversial ambulance fee, an energy fee and a shift in county departments — all needed to balance Leggett's proposed fiscal 2011 budget.

However, county spokesman Patrick K. Lacefield said the bill did cover one subject: the budget.

The council voted 6-3 on Tuesday to split the bill into five separate proposals, which the council will now take up as separate measures.

"I think the executive sees this as a way to get the ambulance fee passed," said Andrews, who was the lead sponsor of the council bill last year that established the single-subject rule.

Andrews has long opposed the ambulance fee.

Leggett (D) says the county could generate \$14.7 million in revenue in fiscal 2011 through a \$450 fee charged to out-of-county residents who use county ambulance services. The insurance of companies of county residents will be billed for the fee; county residents, including those who don't have insurance, will not have to pay the fee.

However, Andrews and volunteer firefighters say the measure will cost lives because people will hesitate before calling 911 if they believe they will be charged.

Leggett's bill also would authorize the county to use a water quality protection charge as security for debt obligations, transfer the county's equal employment opportunity

program from the Office of Human Resources to the Office of Human Rights, increase the fuel-energy tax and amend the law on how recordation tax revenue is spent.

Council President Nancy M. Floreen (D-At large) of Garrett Park and council members George L. Leventhal (D-At large) of Takoma Park and Marc Elrich (D-At large) of Takoma Park voted against splitting the bill.

Lacefield said it was better to have the issues included in the bill to finance the budget because each revenue-generating item was needed to balance Leggett's budget proposal.

"They're all just pieces of a puzzle," Lacefield said. "If we're going to close the gap, then we need to do each of these in order to reach the executive's recommended budget."

Leggett's proposed operating budget closes a \$779 million budget hole in fiscal 2011.

Andrews described Leggett's budget proposal as "déjà vu" and said a bill the county executive sent to the council about a year ago also included several subjects and was the catalyst for legislation, which passed in September, preventing the practice.

Andrews, who served as president of the council at the time, said the council split that bill — as they did Tuesday.

Having bills limited to a single subject ensures a "clean vote," Andrews said during a council meeting Tuesday.

"[It] ensures that bills that would otherwise not pass are not grouped with bills that have a better chance of passing," he said.

Councilman Michael J. Knapp agreed with Andrews and said similar situations occur at the state level.

"Many jurisdictions wake up after it has passed and say, 'Wow, that's what happened to us,'" Knapp (D-Dist. 2) of Germantown said.

Bills that span many subjects can cloud the legislative process and often end badly for residents, he said.